

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BISCOTTI INC.,

Plaintiff,

v.

MICROSOFT CORP.,

Defendant.

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Case No. 2:13-CV-01015-JRG-RSP

ORDER

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on April 12, 2017 (Dkt. No. 159) recommending that Plaintiff Biscotti Inc.'s Motion to Dismiss Defendant Microsoft's Corp.'s Amended Answer (Dkt. No. 64) be denied. No objections have been filed. Accordingly, and after a de novo review, the Report and Recommendation is ADOPTED.

Plaintiff Biscotti Inc.'s Motion to Dismiss Defendant Microsoft's Corp.'s Amended Answer (Dkt. No. 64) is DENIED.

So ORDERED and SIGNED this 28th day of April, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE